

REMARKS/ARGUMENTS

Claims 1, 2, 4, 6, 9-12, and 14 remain in this application.

Claims 3, 5, 7, 8, 13, and 15-18 have been canceled.

Claims 1 and 11 have been amended.

All the claims in this application have been rejected on the basis of 35 U.S.C. §102(b) has anticipated by the Autocrib press release dated January 10, 2003. This rejection is now believed to be no longer applicable.

The structure defined within independent Claim 11 comprises a bin carousel tray assembly that has different sized compartments and this tray assembly is mounted within a housing. A user interface tool selection means is to be moved directly adjacent and in alignment with a door mounted within a housing. A baffle assembly is mounted in conjunction with the door and the door defines an opening. The baffle assembly automatically adjusts to the size of the opening to correspond with the size of the compartment. Only a single compartment can be aligned with the door at a time. The baffle assembly comprises a plurality of plates. The baffle assembly is movable by a rack and pinion assembly. The utilizing of the rack and pinion assembly instead of the belt drive, which was the initial design for this invention, has proved to be an exceedingly successful structure for moving of the baffle assembly. It is believed that the use of a rack and pinion gear in this particular structure is novel and that Claim 11 defines allowable subject matter.

Claim 1 defines the same structure only in a more definitive manner claiming

Amendment to TOOL VENDING MACHINES AND METHOD THEREFORE  
Stephen M. Pixley, et al., inventors  
Serial No. 10/791,991  
Filed March 2, 2004  
Page 7 of 7

in greater detail the housing compartments and drive mechanism. It is believed that for the same reason that Claim 11 is believed to define allowable subject matter and that Claim 1 also defines allowable subject matter.

Since this application is now under final, it is respectfully requested that this application be considered by the Examiner in the very near future and, if the results of the examination could be transmitted to the Patent Agent of Record prior to April 25, 2006, then the Patent Agent of Record could take appropriate steps to continue with this application by Appeal or refiling before abandonment which will occur on April 26, 2005 without the paying of time extending fees.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to account No. 13-4899.

Respectfully submitted,



---

JACK C. MUNRO, Patent Agent  
Registration No. 22,979

28720 Roadside Drive - Suite 225  
Agoura Hills, CA 91301  
phone: (818) 991-1687  
fax: (818) 889-0116